

CHIEF JUDGE MARSHA J. PECHMAN

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,	)	No. CR15-085-MJP
	)	
Plaintiff,	)	
	)	ORDER GRANTING UNOPPOSED
v.	)	MOTION TO CONTINUE TRIAL AND
	)	PRETRIAL MOTIONS DATES
BENJAMIN BAUTISTA-LEYVA,	)	
	)	
Defendant.	)	

THE COURT has considered the unopposed motion to continue the trial date and pretrial motions deadline and finds that:

(a) taking into account the exercise of due diligence, a failure to grant a continuance would deny counsel for the defendant the reasonable time necessary for effective preparation, due to counsel's need for more time to review the evidence, consider possible defenses, and gather evidence material to the defense, as set forth in 18 U.S.C. § 3161(h)(7)(B)(iv);

(b) a failure to grant a continuance would likely result in a miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i);

(c) the additional time requested is a reasonable period of delay, as the defendant has requested more time to prepare for trial, to investigate the matter, to gather evidence material to the defense, and to consider possible defenses;

1 (d) the failure to grant such a continuance in this case is not so unusual or  
2 complex as to fall within 18 U.S.C. § 3161(h)(7)(B)(ii) but would deny counsel for the  
3 defendant the reasonable time necessary for effective representation given the need to  
4 review Mr. Bautista-Leyva's complete A-file;

5 (e) the ends of justice will best be served by a continuance, and the ends of  
6 justice outweigh the best interests of the public and the defendant in any speedier trial,  
7 as set forth in 18 U.S.C. § 3161(h)(7)(A);

8 (f) the additional time requested between the current trial date of June 8, 2015,  
9 and the new trial date is necessary to provide counsel for the defendant reasonable time  
10 to prepare for trial considering counsel's schedule and all of the facts set forth above;  
11 and

12 (g) the period of delay from the date of this order to the new trial is excludable  
13 under 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B)(ii), (iv).

14 IT IS THEREFORE ORDERED that the trial date in this matter shall be  
15 continued to July 27, 2015, and that pretrial motions shall be filed no later than June 11,  
16 2015.

17 DONE this 8<sup>th</sup> day of May, 2015.

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20 

21 Marsha J. Pechman  
22 United States District Judge

23 Presented by:

24 s/ *Mohammad Hamoudi*  
25 Assistant Federal Public Defender  
26 Attorney for Benjamin Bautista-Leyva